

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR										YR.	NUMBER
1085/4	75	0249	06	26	75	4	190	1	21			129	8510	D	75	0249-C

PLAINTIFFS

Affiliated FM Insurance Company

DEFENDANTS

Nordstrom-Larpenteur Agency  
Nordstrom-Larpenteur of Oklahoma,  
Inc., an Oklahoma corporation

CAUSE

Breach of Contract

ATTORNEYS

John Hart  
Robins, Davis & Lyons  
Judy A. Rogosheske, Lawrence Zelle  
33 South 5th Street  
Minneapolis, Minnesota 55402  
339-4911

Richard T. Sonberg  
907 Philtower Bldg.  
Tulsa 74103 (583-5985)

Rider, Bennett, Egan, Johnson &  
Arundel  
David F. Fitzgerald  
1910 First National Bank Building  
Minneapolis, Minnesota 55402  
339-9551

Robert L. Shepherd  
Suite 200 Law Bldg.  
500 W. 7th  
Tulsa 74119 (584-6191)

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	7-1-75
				JS-6	5-1-76

DATE	NR.	PROCEEDINGS
6-26-75		Order transferring case from the District of Minnesota With Transcript of Original Proceedings, filed. mm
4-9-75	1	Filed Complaint Issued summons and one copy Case assigned to Judge Lord, case card #401
4-10-75	2	Filed summons with Marshal's return of serv. on 4-10-75.
4-25-75	3	Filed stipulation and Order (Lord, J) that defendant Nordstrom-Larpenteur Agency be allowed until May 5, 1975, in which to answer plaintiff's complaint or otherwise plead in the above entitled action.
5-2-75	4	Filed Notice of Motion, returnable May 26, 1975 at 10:00 A.M., and Motion of defendant for an Order dismissing plaintiff's cause of action or, in the alternative, for an Order transferring the venue of the action from Minnesota to the Western District of Oklahoma, Tulsa, Oklahoma, with attached affidavit of Roger R. Roe, Jr., and affidavit of service by mail on May 1, 1975.
5-21-75	5	Filed affidavit of James Deggendorf with aff. of serv. by mail on 5-20-75.
	6	Filed affidavit of Louis A. Golinvaux with aff. of serv. by mail on 5-20-75.
6-3-75	7	Filed affidavit of James Deggendorf with aff. of serv. by mail on 5-29-75.
6-16-75	8	Entered record of hearing (Lord, J)(Breviu, R) motion of defendants to dismiss or transfer venue to Oklahoma is argued and Ordered case is transferred to Oklahoma. Order to be submitted for the Court's signature.
	9	Filed affidavit of Roger R. Roe, Jr.
6-24-75	10	Filed Order (Lord, J) that defendant's Motion for the dismissal of plaintiff's cause of action is hereby denied. It is further ordered, that defendant's Motion for Change of Venue is hereby granted and the venue of this action is transferred from the District of Minnesota, Fourth Division, to the United States District Court for the Northern District of Oklahoma, Tulsa, Oklahoma.
	11	Mailed notice to counsel. Mailed contents of entire file, along with certified copy of Order and docket entries to Jack C. Silver, Clerk, U. S. District Court, Northern District of Oklahoma, U. S. Courthouse, Tulsa, OK 74103.
7-3-75	11.	Appl. of def. for ext. of time to ans., filed. rm
7-3-75	12.	Order, filed, granting def. to 7/15/75 to answer. (JCS-Clk)rm
7-11-75	13	<u>Answer</u> , filed. g
7-18-75	14.	Notice to take deposition of def. on 7/30/75, filed by pltf. rm
8-1-75	15	Defendant's demand for jury trial, filed. g
9-2-75		Deposition of James William Deggendorf, on behalf of the plaintiff, taken before Frank L. Peterson on 7-30-75 W/fees of \$151.50 pd by the plaintiff, filed. mm
10-8-75	16.	Deft.'s Motion to Produce Documents, w/brief. /filed.k

Continued

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-249</u>
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
10-15-75	MO:	Case set for PT hearing 1-6-76 at 3:45 p.m. (HDC-J)hm	
<u>1976</u>			
1-6	17.	Motion of plaintiff to join additional defendant, filed. g	
1-6	18.	Memo brief in support of mot. to join addl. deft., filed. g	
1-6	MO:	Pre-trial hearing held. Statements made. Deft. to file brief on issue of volunteer within 10 days; pltf. to respond 10 days thereafter. Pltf. to prepare PT order by 1-22-76 and case set for jury trial 4-5-76 at 10:00 a.m. (HDC-J)hm	
1-8	19.	Order granting plaintiff leave to join addl. corporate deft.; amended complaint to be filed within 5 days of this date. (HDC-J)g <i>met</i>	
1-13	20.	Amended complaint, filed. hm (adding deft. Nordstrom-Larpenteur of Oklahoma, Inc., an Oklahoma corporation)	
1-16-76	21	Defts. Ans. to Ammended Compl, filed. tc	
2-3	22	Pretrial Order, filed. (HDC-J)g	
2-9		Deposition of Frederick S. Nelson, taken by pltf., filed. g	
2-9		Deposition of Boyce Tidwell, taken by pltf., filed. g	
2-9	23.	Appl. for ext. of time to file brief until 2-17-76, fld. by Defts. v (o	
2-10	24	Order granting defts. until 2-16-76 to file brief, filed. (HDC-J)g <i>e mld</i>	
2-18	25	Memorandum of law in support of defts' contention that pltf's payment to Garden Park was voluntary as Garden Park had knowledge of limited authority of agent, filed. k	
3-4	26	Brief of Pltf. in Resp. to Defts' Memo. of Law, filed. jj	
3-22	27	Notice to take depo of Louis Golinvaux in Minn., Minnesota on the 30th day of March at 2:00p.m. filed. t	
3-29	28.	Plaintiff's trial brief, filed. k	
4-1	MO:	It is ordered by the Court that Upon oral application of parties, case is stricken from J/T setting of 4-5-76 & reset for J/T 4-19, 1976 at 9:30 a.m., to follow the criminal trials heretofore set. (HDC-J)ph letters mld.	
4-2	--	Deposition of Geo. H. Furtado, taken by deft. before Kathie Schiermeister, LSR, fld. v	
4-2	--	Depo. of Robert Kelleher taken by deft. before Kathie Schiermeister, fld. v	
4-8-		Depo of Louis Golinvaux, filed.	
4-15	29.	Pltf's requested voir dire questions, filed. ph	
4-19	MO:	Case called for jury trial. Parties represented and announce ready. Jury selected and admonished. Case continued to Apr. 21 or 22, to follow the completion of jury trial in 76-CR-32. (HDC-J)hm	
4-21	30.	Pltf's requested instructions, filed. ph	
4-21	31.	List of Pltf's exhibits, filed. ph	
4-21	32.	Deft's requested instructions, filed. hm	
4-21	MO:	Jury trial held Apr. 21 & 22. Parties announce ready. Jury heretofore empaneled on 4-19, sworn. Pltf. makes opening statement. Parties present case in chief w/test. of witnesses and introduction and admission of exhibits. At close of pltf's case in chief, deft's mo/ dismissal denied. Jury retires to deliberate at 3:55 p.m. on 4-22. Alternate jurors discharged. Jury returns w/verdict at 6:20 p.m.	

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-249</u>
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
		finding for the defts. and is discharged. Verdict ordered received, read and filed in open court. (HDC-J)hm	
4-22-76	33.	Instructions to the jury, filed in open court. (HDC-J)hm	
4-22	34.	Verdict, filed in open court, finding for the defts. hm	
4-22		Trial exhibits, filed. hm	
4-22	35.	Judgment on jury verdict, filed and entered, that the pltfs. take nothing & that the defts recover of the pltf. their cost of action. (JCS-Clk)hm (copies mailed)	
4-27	36.	Bill of costs in amt. of \$578.21, in favor of def., filed. Cost hrg. set for 5/4/76 at 10 a.m. before Clerk. rm	
4-27	37.	Application of def. to assess atty. fees, and brief in support, filed. rm	
4-27	MO:	Ordered by the Court that plaintiff is granted 10 days to respond to def. mo/assess atty fees.(HDC-J)rm-letter	
5-5		Bill of costs taxed in the amount of \$578.21, filed.(JCS-CC)ph (in favor of def.)	
5-10	38.	Memo. in opposition to defts.' request to assess atty.'s fees as costs, fld. by Pltf. v	
5-10	39.	Defendants' reply brief, & request for hrg. on atty fee, filed.rm	
5-10	40.	Pltf. supplemental memorandum in opposition to def. req. to assess atty. fees, filed. rm	
5-19	41.	Pltf. suppl. brief in opposition to excessive travel costs, filed.rm	
5-24	MO:	Case set for hearing on deft's applic. to assess atty. fees 7-2-76 at 1:30 p.m. (HDC-J)hm (notices mailed)	
7-2	MO:	Case called for hearing on deft's applic. to assess atty. fees & pltf's obj. to travel costs. Statements made. Court approves costs as assessed by Clerk & denies deft's applic. to assess atty. fees. Deft. counsel to prepare formal order. (HDC-J)hm	
7-27	42.	Judgment, filed and entered that appl. to assess atty's fees on behalf of deft. is denied, and the obj. by pltf. to assessment of court costs by Clerk is overruled, the deft. does herewith have judgment against pltf. in the sum of \$578.21.(HDC-J)ph cps mld	
7-27	43.	Release and satisfaction of judgment, filed. ph	
7-29	44.	Certification of mailing for release and satisfaction of judgment by deft., filed. ph	